

Division 3. Air Resources Board

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Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

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Article 4.7. Spark-Ignition Marine Engines

**§ 2445.1. Defects Warranty Requirements for Model Year 2001 and Later Spark-Ignition Marine Engines.**

(a) Applicability. This section applies to model year 2001 and later spark-ignition marine engines. The warranty period begins on the date the engine or equipment is delivered to an ultimate purchaser or first placed into service (e.g., a demonstration engine or watercraft).

(b) General Emissions Warranty Coverage. The manufacturer of each spark-ignition marine engine must warrant to the ultimate purchaser and each subsequent purchaser that the engine is:

(1) Designed, built and equipped so as to conform with all applicable regulations adopted by the Air Resources Board pursuant to its authority in Chapters 1 and 2, Part 5, Division 26 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship that cause the failure of a warranted part to be identical in all material respects to that part as described in the engine manufacturer's application for certification.

(c) Warranty Period. In the case of all new, spark-ignition marine engines, the warranty period will be 4 years or 250 hours of use, whichever occurs first.

(d) Subject to the conditions and exclusions of Subsection (g), the warranty on emission-related parts is as follows:

(1) Any warranted part that is not scheduled for replacement as required maintenance in the written instructions required by Subsection (f) must be warranted for the warranty period defined in Subsection (c). If the part fails during the period of warranty coverage, the part must be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under warranty must be warranted for the remainder of the period.

(2) Any warranted part that is scheduled only for regular inspection in the written instructions required by Subsection (f) must be warranted for the warranty period defined in Subsection (c). A statement in such written instructions to the effect of "repair and replace as necessary" will not reduce the period of warranty coverage. Any such part repaired or replaced under warranty must be warranted for the remaining warranty period.

(3) Any warranted part that is scheduled for replacement as required maintenance in the written instructions required by Subsection (f) must be warranted for the period of time before the first scheduled replacement date for that part. If the part fails before the first scheduled replacement, the part must be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under warranty must be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

(4) Repair or replacement of any warranted part under the warranty provisions of this article must be performed at a warranty station at no charge to the owner.

(5) Notwithstanding the provisions of Subsection (4), warranty services or repairs must be provided at all engine manufacturer distribution centers that are franchised to service the subject engines.

(6) The engine owner must not be charged for diagnostic labor that is directly associated with diagnosis of a defective, emission-related warranted part, provided that such diagnostic work is performed at a warranty station.

(7) The engine manufacturer is liable for damages to other engine components proximately caused by a failure under warranty of any warranted part.

(8) Throughout the engine's warranty period defined in Subsection (c), the engine manufacturer must maintain a supply of warranted parts sufficient to meet the expected demand for such parts.

(9) Any replacement part may be used in the performance of any warranty maintenance or repairs and must be provided without charge to the owner. Such use will not reduce the warranty obligations of the engine manufacturer.

(10) Add-on or modified parts, as defined in Section 1900(b)(1) and (b)(10), Title 13, that are not exempted by the Air Resources Board may not be used. The use of any non-exempted add-on or modified parts by the ultimate purchaser will be grounds for disallowing a warranty claim made in accordance with this article. The engine manufacturer will not be liable under this article to warrant failures of warranted parts caused by the use of a non-exempted add-on or modified part.

(11) The Executive Officer may request and, in such case, the engine manufacturer must provide, any documents that describe that engine manufacturer's warranty procedures or policies.

(e) Each engine manufacturer must provide a copy of the following emission warranty parts list with each new engine, using those portions of the list applicable to the engine.

(1) Fuel Metering System

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(A) Carburetor and internal parts (and/or pressure regulator or fuel injection system)

(B) Air/fuel ratio feedback and control system

(C) Cold start enrichment system

(D) Intake valve(s)

(2) Air Induction System

(A) Controlled hot air intake system

(B) Intake manifold

(C) Air Filter

(D) Turbocharger systems

(E) Heat riser valve and assembly

(3) Ignition System

(A) Spark plugs

(B) Magneto or electronic ignition system

(C) Spark advance/retard system

(D) Ignition coil and/or control module

(E) Ignition wires

(4) Lubrication System

(A) Oil pump and internal parts

(B) Oil injector(s)

(C) Oil meter

(5) Positive Crankcase Ventilation (PCV) System

(A) PCV valve

(B) Oil filler cap

(6) Exhaust Gas Recirculation (EGR) System

(A) EGR valve body, and carburetor spacer if applicable

(B) EGR rate feedback and control system

(7) Air Injection System

(A) Air pump or pulse valve

(B) Valves affecting distribution of flow

(C) Distribution manifold

(8) Exhaust System

(9) Catalyst or Thermal Reactor System

(A) Catalytic converter

(B) Thermal reactor

(C) Exhaust manifold

(D) Exhaust valve(s)

(10) Miscellaneous Items Used in Above Systems

(A) Hoses, clamps, fittings, tubing, sealing gaskets or devices, and mounting hardware

(B) Pulleys, belts and idlers

(C) Vacuum, temperature, check, and time sensitive valves and switches

(D) Electronic Controls

(f) Each engine manufacturer must provide with each new engine written instructions for the maintenance and use of the engine by the owner. The instructions must be consistent with this Article. A copy of the instructions for each engine family must be provided to the Executive Officer upon commencement of its production.

(g) Exclusions.

(1) The repair or replacement of any warranted part otherwise eligible for warranty coverage under Subsection (d) may be excluded from such warranty coverage if the engine manufacturer demonstrates that the engine has been abused, neglected, or improperly maintained, and that such abuse, neglect, or improper maintenance was the direct cause of the need for the repair or replacement of the part.

(2) Engine manufacturers must warrant engines for the yearly warranty period specified in paragraph (c) unless the engines:

## **Board Administration and Regulatory Coordination Unit**

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(A) are equipped with hour meters;

(B) are equipped with devices similar to hour meters that are approved by the Executive Officer; or

(C) are or will be accompanied by other evidence or methods that the Executive Officer determines reliable for determining engine usage in hours.

(3) Except as provided in Subsection (1) above, any adjustment of a component that has a factory installed, and properly operating, adjustment limiting device (such as an idle limiter cap or plug) is eligible for warranty coverage under Subsection (d).

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

##### **REFERENCE**